

*Georgia*

HOUSE OF REPRESENTATIVES

Tuesday
February 12,
2019**DAILY REPORT**13th
Legislative
DayHouse Budget & Research Office
(404) 656-5050

- The House will reconvene for its 14th Legislative Day on Wednesday, February 13 at 10:00 a.m.
- The Rules Committee will meet at 9:00 a.m.
- No bills / resolutions are expected to be debated on the floor.

Committee Actions*Bills passing committees are reported to the Clerk's Office and are placed on the General Calendar.***Economic Development & Tourism Committee****HB 184 Streamlining Wireless Facilities and Antennas Act; enact**

Bill Summary: House Bill 184, the 'Streamlining Wireless Facilities and Antennas Act', streamlines the deployment of wireless broadband in public rights-of-way.

A wireless provider may collocate, meaning to install, mount, modify, or replace, small wireless facilities (small cells) and install, modify, or replace associated poles or decorative poles under Code Section 36-66 without an agreement with an authority and without an implementing ordinance. An authority includes a county, consolidated government, or a municipality, but does not include electric utilities. An authority may make available to providers any rates, fees, or other terms that comply with this Code section and are adopted by ordinance, resolution, or another authority document. If there is no ordinance, resolution, or other document, providers may collocate small cells and install, modify, or replace associated poles pursuant to the stipulations outlined in the Code. An authority may not require a provider to enter into an agreement, but nothing prohibits the two parties from voluntarily entering into an agreement in regard to rates, fees, and other terms; however, should there be an agreement, the authority shall make it available for public inspection and available for adoption under the same terms and conditions to any requesting provider.

An applicant shall pay the following fees to receive a permit to collocate a small cell or to install, modify, or replace a pole or a decorative pole: 1) a fee for each application for the collocation of small cells on an existing pole to be assessed by the authority that shall not exceed \$100 per small cell; 2) a fee for each application for each replacement pole associated with small cells assessed by the authority that shall not exceed \$250; 3) a fee for each application for a new pole associated with small cells assessed by an authority that shall not exceed \$1,000 per pole; 4) an annual right-of-way occupancy rate assessed by the authority for nonexclusive occupancy that shall not exceed \$100 per year for each small cell on an existing or replacement pole or \$200 per year for each new pole; 5) an annual attachment rate for collocations on authority poles not to exceed \$40 per year per small cell; 6) a fee for make-ready work; and 7) a generally applicable nondiscriminatory fee for any permit required under generally applicable law. The monetary caps provided shall increase 2.5% annually beginning on January 1, 2021.

If the Federal Communications Commission (FCC) small cell order, which states that rates and fees must be cost-based, is overturned and not subject to further review or appeal, then the fees mentioned above shall double beginning on July 1 of the calendar year following the final FCC review decision. Furthermore, on July 1 of the following year, the monetary caps shall be removed and applicants shall pay any fees or rates that are considered fair and reasonable compensation to the authority.

An applicant, or the person who owns or operates the small cell, may remove their small cells from the right-of-way after giving the authority at least 30 days written notice. The provider may cease payment to the authority upon the actual removal of the small cells. If the applicant fails to return the right-of-way to its prior condition within 90 days of removal, the authority may restore the right-of-way and charge the applicant the authority's reasonable, documented restoration cost, plus a penalty not to exceed \$500. The authority may suspend the ability of the applicant to receive any new permits until the applicant has paid the amount assessed.

A provider shall not collocate a small cell in the right-of-way or install, modify, or replace a pole for small cell collocation without first filing an application and obtaining a permit. If a provider fails to comply with this requirement, the authority may restore the right-of-way to its prior condition and charge the provider a reasonable, documented cost, plus a penalty not to exceed \$1,000. The authority shall make accepted applications publicly available, but may designate portions of the application as trade secrets.

An application shall not be required for inspections, testing, repairs, and modifications on poles or inspections, testing, or repairs on small cells. Furthermore, an applicant shall not be required to replace or upgrade antennas on a small cell. An authority shall not require a provider to obtain a permit or require fee payment for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables or power lines that are strung between poles or support structures.

A provider shall not apply to install a pole or replace a decorative pole unless it has determined it cannot meet the service objectives of the permit by collocating on an existing pole; however, the provider has the right to collocate subject to reasonable terms and conditions, providing they would not impose technical limitations or significant additional costs. The provider must certify the determination was made based on the assessment of a licensed engineer and a written summary of the basis for the determination.

Section §36-66C-7 contains the requirements governing an authority's review of applications for uses that are subject to administrative review. Within 20 days of receiving an application, the authority shall: 1) notify the applicant in writing of the commencement and completion dates of scheduled or anticipated widening, repair, reconstruction, or relocation of the applicable right-of-way within 24 months of the date the application is filed; 2) notify the applicant of any grounds for denial; and 3) determine whether the application is complete and inform the applicant of its determination in writing. A denial shall be sent in writing and identify all reasons for the denial, including the provisions of applicable codes and other standards.

Small cells and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the right of way as permitted, subject to applicable codes and the following requirements: 1) each new, modified, or replacement pole installed in the right-of-way in a historic district and in a residential zone shall not exceed 50 feet or greater above ground level; 2) each new, modified, or replacement pole installed in the right-of-way not in a historic district or residential zone shall not exceed 50 feet above ground level or 10 feet in height greater than the tallest existing pole in the same authority's right-of-way; and 3) new small cells in the right-of-way shall not exceed more than 10 feet above the existing pole or support structure or the height limits previously provided for a new, modified, or replacement pole.

HB 184 requires a wireless provider to comply with reasonable and nondiscriminatory requirements that prohibit communications service providers and electric service providers from installing poles in a right-of-way in an area designated for underground or buried facilities where the authority: has required all facilities other than light poles and attachments to be placed underground; does not

prohibit the replacement of light poles or the collocation of small cells in the designated area; and permits wireless providers to seek a waiver of the underground requirements for the placement of a new pole to support small cells. An authority that adopts underground requirements after an agreement is made shall allow a wireless provider to maintain any small cells already collocated to any applicable pole or allow a wireless provider to replace the pole associated with a collocated device at the same location or alternate location within 50 feet of the prior location.

An authority shall approve an application for permitted uses described in subsection (a) of Code Section §36-66C-6 of the bill. This is unless the requested collocation of a small wireless facility or the requested installation, modification, or replacement of a pole or decorative pole interferes with the operation of traffic control equipment, fails to comply with applicable codes, or multiple other stipulations listed in HB 184.

A permit from the authority authorizes an applicant to undertake certain activities, but it does not create a property right or grant authorization or license to the applicant to impinge upon the rights of other people who may have an existing interest in the right-of-way. Additionally, once a permit is issued, collocation, installation, modification, or replacement shall be completed within six months after issuance. Once issued a permit, the applicant is authorized to undertake collocation, installation, modification, or replacement approved by the permit, as well as operate and maintain the small cell and any associated pole covered by the permit for a period of not less than 10 years. HB 184 also includes relocation and make-ready work provisions, in addition to small cell and pole abandonment timelines. An applicant shall not place small cells or poles in the right-of-way where they will interfere with any existing infrastructure or equipment.

Within a historic district, an applicant may collocate or place a pole only when it receives a permit from the authority per Code Section §36-66C-6 and complies with objective and reasonable aesthetic and structural requirements that have been made publicly available by the authority at least 30 days prior to submission of an application; however, the historic district requirements may not inhibit the provider's technology or service and the requirements shall not be considered a part of the small cell for the purpose of size restrictions.

For new pole applications in rights-of-way zoned for residential use, the authority may propose an alternate location within 100 feet of the requested location. The provider shall use the alternate location unless the location imposes technical limits or significant additional costs.

An applicant may collocate a small cell on a decorative pole or replace a decorative pole with a new decorative pole if the existing decorative pole will not structurally support the attachment; however, the applicant must receive a permit and comply with objective and reasonable aesthetic and structural requirements that have been made publicly available by the authority at least 30 days prior to the submission of the application. These requirements shall not inhibit the provider's service or technology and shall not be considered part of the size of the small cell in regard to size restrictions. The authority shall operate the fixtures on the replaced decorative pole and shall, absent an agreement between the authority and provider, take ownership of the new decorative pole.

Applicants may submit a consolidated application, provided the application shall be for a geographic area no more than two miles in diameter. The denial of one or more small cells or poles within a consolidated application shall not delay the processing of other small cells or poles in the application. An authority may issue a single permit or multiple permits for the small cells and poles in the consolidated application. The bill has further stipulations based on county, consolidated government, or city parcel size. If multiple applications are received by the authority to install two or more poles or collocate two or more small cells on the same pole, the authority shall resolve the conflicting requests in an appropriate, reasonable, and nondiscriminatory manner.

If an authority and provider entered into an agreement prior to October 1, 2019 addressing small cells or pole installations associated with small cells, House Bill 184 shall not apply to that authority until the agreement expires or is terminated.

Authored By: Rep. Brett Harrell (106th)

**House
Committee:**

Economic Development & Tourism

**Committee
Action:**02-12-2019 Do Pass by Committee
Substitute**HR 72 Georgia; host world's largest startup pitch competition; encourage**

Bill Summary: House Resolution 72 encourages the state of Georgia to partner with private entities to host the world's largest start-up pitch competition.

Authored By:

Rep. Dar'shun Kendrick (93rd)

**House
Committee:**

Economic Development & Tourism

**Committee
Action:**

02-12-2019 Do Pass

Health & Human Services Committee**HB 158 Medical assistance; Medicaid recipients have the same access to antiretroviral regimens used to treat HIV and AIDS as to those included in the formulary established for the Georgia AIDS Drugs Assistance Programs; provide**

Bill Summary: HB 158 requires Medicaid recipients to have the same access to antiretroviral regimens, including single-tablet regimens, used to treat HIV and AIDS as those included in the formulary established for the Georgia AIDS Drug Assistance Program.

Any new antiretroviral regimen must be added to the drug list utilized for medical assistance no later than 30 days after such regimen has been added to the formulary established within the program. Additionally, no utilization management tools, including but not limited to preferred drug lists, prior authorizations, or step edits, shall be implemented by the department for any antiretroviral regimens used to treat HIV and AIDS.

Authored By:

Rep. Deborah Silcox (52nd)

**House
Committee:**

Health & Human Services

**Committee
Action:**

02-12-2019 Do Pass

HB 160 Community Health, Department of; pilot program to provide coverage for bariatric surgical procedures; reinstate

Bill Summary: House Bill 160 reinstates a four-year pilot program, beginning January 1, 2020, to provide coverage for bariatric surgical procedures for the treatment and management of obesity and related conditions under the State Health Benefit Plan.

The Department of Community Health (DCH) will partner with a postsecondary institution in Georgia for pilot program management, data collection, patient engagement, and other activities related to the pilot program, including benefits for medically-necessary bariatric procedures for the 250 participants selected for inclusion in the pilot program.

Eligible participants include people who elected coverage under a state health insurance plan and who meet other criteria established by the department. A governor-appointed panel shall review the results and outcomes of the pilot program beginning six months after the program initiation and every six months for the remainder of the pilot. DCH shall provide a final report to the chairpersons of the House and Senate Health and Human Services Committees and the House and Senate Appropriations Committees by June 30, 2024.

Authored By:

Rep. Katie Dempsey (13th)

**House
Committee:**

Health & Human Services

**Committee
Action:**

02-12-2019 Do Pass

HB 166 Genetic Counselors Act; enact

Bill Summary: House Bill 166 establishes the 'Genetic Counselors Act.' On and after January 1, 2020, a person shall not engage in the practice of genetic counseling in this state without a valid

license issued by the Georgia Composite Medical Board.

Authorized By:	Rep. Deborah Silcox (52nd)	Committee	02-12-2019 Do Pass by Committee
House	Health & Human Services	Action:	Substitute
Committee:			

HB 187 Community Health, Department of; pilot program to provide coverage for the treatment and management of obesity and related conditions; provide

Bill Summary: House Bill 187 establishes a three-year pilot program for 250 individuals per year through the Department of Community Health (DCH) to provide coverage for the treatment and management of obesity and related conditions, including medication and counseling.

Eligible participants include people who elected coverage under a state health insurance plan and who meet other criteria established by the department. DCH will partner with a postsecondary institution in Georgia for pilot program management, data collection, patient engagement, and other activities related to the pilot program, including coverage of all U.S. Food and Drug Administration approved medications for chronic weight management.

DCH shall review the results and outcomes of the study starting six months after its initiation and continue to conduct subsequent reviews every six months thereafter. DCH shall provide a final report to the chairpersons of the House and Senate Health and Human Services Committees and the House and Senate Appropriations Committees by December 15th of the last year of the pilot.

Authorized By:	Rep. Katie Dempsey (13th)	Committee	02-12-2019 Do Pass
House	Health & Human Services	Action:	
Committee:			

HR 135 Congress; eliminate five-month waiting period for disability insurance benefits for individuals living with amyotrophic lateral sclerosis (ALS); urge

Bill Summary: House Resolution 135 urges Congress to eliminate the five-month waiting period for disability insurance benefits for individuals living with amyotrophic lateral sclerosis (ALS).

Authorized By:	Rep. Chuck Efstoration (104th)	Committee	02-12-2019 Do Pass
House	Health & Human Services	Action:	
Committee:			

Intragovernmental Coordination - Local Committee

HB 159 Molena, City of; provide for four-year terms of office for mayor and councilmembers

Bill Summary: This bill provides for four-year terms of office for the mayor and councilmembers of the city of Molena.

Authorized By:	Rep. Ken Pullin (131st)	Committee	02-12-2019 Do Pass
House	Intragovernmental Coordination -	Action:	
Committee:	Local		

HB 161 Jackson County; board of elections and registration; provide composition

Bill Summary: This bill provides for the composition of the board of elections and registration in Jackson County.

Authorized By:	Rep. Tommy Benton (31st)	Committee	02-12-2019 Do Pass
House	Intragovernmental Coordination -	Action:	
Committee:	Local		

HB 162 Commerce, City of; independent school district ad valorem tax; change net income limitation

Bill Summary: This bill amends a city of Commerce school tax homestead exemption so that the \$10,000 exemption for those 62 and older and the \$20,000 exemption for those 65 and older are only eligible to those with a net household income that does not exceed \$25,000.

Authored By:	Rep. Tommy Benton (31st)		
House Committee:	Intragovernmental Coordination - Local	Committee Action:	02-12-2019 Do Pass

HB 163 Jefferson, City of; independent school district ad valorem tax; change net income limitation

Bill Summary: This bill amends a city of Jefferson school homestead exemption so that the \$10,000 exemption for those 62 and older and the \$20,000 exemption for those 65 and older are only eligible to those with a net household income that does not exceed \$25,000.

Authored By:	Rep. Tommy Benton (31st)		
House Committee:	Intragovernmental Coordination - Local	Committee Action:	02-12-2019 Do Pass

HB 164 Jackson County; school district ad valorem tax; change net income limitation

Bill Summary: This bill amends a Jackson County homestead exemption so that the \$10,000 school tax exemption for those 62 and older is only eligible for those with a net household income that does not exceed \$25,000.

Authored By:	Rep. Tommy Benton (31st)		
House Committee:	Intragovernmental Coordination - Local	Committee Action:	02-12-2019 Do Pass

HB 194 Meigs, City of; provide new charter

Bill Summary: This bill provides a new charter for the city of Meigs.

Authored By:	Rep. Sam Watson (172nd)		
House Committee:	Intragovernmental Coordination - Local	Committee Action:	02-12-2019 Do Pass

Judiciary Committee**HB 25 Contracts; provide military service members civil relief concerning certain contractual obligations due to circumstances of active duty**

Bill Summary: HB 25 allows service members, defined as active duty members of the U.S. armed forces, Georgia National Guard, or Georgia Air National Guard, to terminate a contract with a provider of television, video, and audio programming services; internet access services; or health spa or gym services when the service member is ordered to relocate to a location that does not support identical contractual services from that provider for a period of at least 90 days. Additionally, the Code's reference to the 'Servicemembers Civil Relief Act' regarding self-service storage facilities is updated to reflect current federal numeration.

Authored By:	Rep. D. C. Belton (112th)		
House Committee:	Judiciary	Committee Action:	02-12-2019 Do Pass by Committee Substitute

Public Safety & Homeland Security Committee

HB 113 Motor vehicles; prohibit license and instruction permit holders from using a stand-alone electronic device or wireless telecommunications device while driving

Bill Summary: House Bill 113 prohibits drivers under the age of 18 with instruction permits, Class D licenses, or motorcycle instruction permits from driving while using a stand-alone electronic device or wireless telecommunications device as defined in the distracted driving portion of the Code. Use of these devices while driving is only permitted if the person is reporting a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or road condition which causes an immediate and serious traffic or safety hazard. Violators of this provision will receive a civil penalty of \$150 for each offense.

Authorized By: Rep. John Carson (46th)
House Committee: Public Safety & Homeland Security
Committee Action: 02-12-2019 Do Pass

SB 25 Rules of the Road; when driver of a vehicle need not stop upon meeting or passing a school bus; clarify

Bill Summary: Senate Bill 25 allows drivers to continue driving past a stopped school bus on a highway with separate roadways only when the roadways are separated by a grass median, unpaved area, or physical barrier when the bus is on the separate roadway.

Authorized By: Sen. Bill Heath (31st)
House Committee: Public Safety & Homeland Security
Committee Action: 02-12-2019 Do Pass

Committee Meeting Schedule

This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change. To keep up with the latest schedule, please visit www.house.ga.gov and click on [Meetings Calendar](#).

Wednesday, February 13, 2019

8:00 AM	APPROPRIATIONS TRANSPORTATION	515 CLOB
8:00 AM	AGRICULTURE AND CONSUMER AFFAIRS	403 CAP
8:00 AM	INSURANCE	606 CLOB
9:00 AM	RULES	341 CAP
10:00 AM	FLOOR SESSION (LD 14)	House Chamber
1:00 PM	Governmental Affairs State & Local Government Subcommittee	406 CLOB
1:00 PM	HIGHER EDUCATION	606 CLOB
1:00 PM	APPROPRIATIONS HUMAN RESOURCES	403 CAP
1:15 PM	Ways and Means Subcommittee on Income Tax ¹	33 CAP
1:30 PM	Ways and Means Subcommittee on Sales Tax	133 CAP
2:00 PM	APPROPRIATIONS ECONOMIC DEVELOPMENT	515 CLOB
2:00 PM	Ways and Means Subcommittee on Ad Valorem	133 CAP
2:00 PM	STATE PROPERTIES	132 CAP
3:00 PM	APPROPRIATIONS PUBLIC SAFETY	406 CLOB
3:00 PM	APPROPRIATIONS HEALTH	341 CAP
3:00 PM	APPROPRIATIONS HIGHER EDUCATION	415 CLOB
3:00 PM	INDUSTRY AND LABOR	506 CLOB
3:00 PM	WORKING GROUP ON CREATIVE ARTS & ENTERTAINMENT	403 CAP
4:00 PM	SPECIAL COMMITTEE ON ACCESS TO QUALITY HEALTH CARE	506 CLOB